

NOTICE OF OPEN MEETING

AGENDA

7th Meeting

DATE: Tuesday, May 19, 2015

TIME: 9:00 a.m.

PLACE: Rhode Island Ethics Commission

Hearing Room - 8th Floor

40 Fountain Street

Providence, RI 02903

1. Motion to approve minutes of Open Session held on April 28, 2015.

2. Advisory Opinions:

a.) William L. Bernstein, Esq., the former Assistant Solicitor for the Town of Burrillville, who is also an attorney in private practice, requests an advisory opinion regarding whether the Code of Ethics prohibits him from representing clients before the Burrillville Zoning

Board and the Burrillville Planning Board within one year following the end of his tenure with the Town of Burrillville.

b.) Michele H. Kazarian, Esq., the Probate Judge for the City of East Providence, who also works part time as an attorney for the Rhode Island General Assembly, requests an advisory opinion regarding whether the Code of Ethics prohibits: (1) her political activity for various state and local candidates; and (2) her participation in matters before the East Providence Probate Court in which a current or former employee or member of the General Assembly is the attorney of record.

c.) Robert Kempenaar II, a member of the Middletown Town Council, requests an advisory opinion regarding whether he qualifies for a hardship exception to the Code of Ethics' prohibition on representing himself before municipal boards over which the Middletown Town Council has appointing authority, the Middletown Zoning Board and the Middletown Planning Board, in order to bring a motel that he owns and operates into compliance with brand specifications.

d.) Frank Caprio, Esq., the Chief Municipal Court Judge for the City of Providence, requests an advisory opinion regarding whether the Code of Ethics prohibits him from allowing his brother to videotape Municipal Court Proceedings for commercial purposes and for which his brother will receive compensation.

e.) Amy M. Grzybowski, the Director of Planning, Code Enforcement and Grants Administration for the Town of Westerly, who is also temporarily serving as Interim Town Manager, requests an advisory opinion regarding whether the Code of Ethics prohibits her from participating in the Town of Westerly's review of a non-profit entity's development proposal that may involve the Community College of Rhode Island, given that she is an online adjunct faculty member of the Community College of Rhode Island.

f.) Steven M. Hudak, Esq., a member of the Town of Bristol Zoning Board of Review, requests an advisory opinion as to whether he qualifies for a hardship exception to the Code of Ethics' prohibition on appearing before his own Board, for purposes of obtaining a dimensional variance to construct a second-story bedroom on his personal residence.

3. Legislative Update: Review and discussion of pending legislation, and of the Commission's position on same, including:

a.) Joint Resolution S 0056: A resolution "to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (Ethics Commission)." This resolution would amend both the Ethics Clause and the Speech in Debate Clause of the Rhode Island Constitution to clarify that the Ethics Commission has the authority and jurisdiction to investigate and adjudicate a legislator's alleged violations of the Code of Ethics that

involve core legislative acts.

b.) Joint Resolution S 0173. A resolution “to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (Ethics Commission).” This resolution would amend both the Ethics Amendment and the Speech in Debate Clause of the Rhode Island Constitution to clarify that the Ethics Commission has the authority and jurisdiction to investigate and adjudicate a legislator’s alleged violations of the Code of Ethics that involve core legislative acts. However, unlike the joint resolutions set forth above in subsection (a) of this Legislative Update, this resolution would also (1) provide speech in debate immunity when a legislator discusses or debates, whether verbally or in writing, any matter within his or her core legislative duties; (2) provide for a right to a trial de novo in court to any person against whom the Ethics Commission finds in violation of the Code of Ethics; and (3) change the composition of the Ethics Commission from nine to eleven members so that the Senate has parity with the House in the nomination of Commission members to the Governor. This agenda item may also include an update on efforts to amend the language of this resolution to reach an acceptable compromise between all interested groups and parties.

c.) House Bill 6178: The Rhode Island Lobbying Reform Act. This Act, introduced at the request of the Secretary of State, would repeal the state’s existing legislative and executive branch lobbying laws

and replace them with a single set of rules governing lobbying in an effort to maximize transparency, create more user friendly registration and reporting for lobbyists, and strengthen the Secretary of State's investigation and enforcement scheme.

4. Director's Report:

a.) Docket Status Update.

5. Motion to go into Executive Session, to wit:

a.) Motion to approve minutes of Executive Session held on April 28, 2015.

b.) In re: Bonnita Van Slyke, Complaint No. 2014-21, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

c.) In re: Daniel P. Reilly, Complaint No. 2014-18, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

d.) In re: Paul Rodrigues, Complaint No. 2014-8, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

e.) In re: Susan Cicilline-Buonanno, Complaint No. 2015-3, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

f.) Annual discussion and review re: Legal Counsel's contract, pursuant to R.I. Gen. Laws § 42-46-5(a)(1).

g.) Motion to return to Open Session.

6. Motion to seal minutes of Executive Session held on May 19, 2015.

7. Report on actions taken in Executive Session.

8. Annual discussion and potential vote re: Legal Counsel's Contract.

9. New Business proposed for future Commission agendas and general comments from the Commission.

10. Adjournment.

ANYONE WISHING TO ATTEND THIS MEETING WHO MAY HAVE SPECIAL NEEDS FOR ACCESS OR SERVICES SUCH AS A SIGN LANGUAGE INTERPRETER, PLEASE CONTACT THE COMMISSION BY TELEPHONE AT 222-3790, 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. THE COMMISSION ALSO MAY BE CONTACTED THROUGH RHODE ISLAND RELAY, A TELECOMMUNICATIONS RELAY SERVICE, AT 1-800-RI5-5555.

Posted on May 14, 2015